



**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**  
**219 SOUTH DEARBORN STREET**  
**CHICAGO, ILLINOIS 60604**

**MICHAEL W. DOBBINS**  
CLERK

312-435-5670

February 5, 2008

Mr. Gino J. Agnello, Clerk  
U.S. Court of Appeals-Seventh Circuit  
219 South Dearborn Street-Room 2722  
Chicago, Illinois 60604

RE: Cook -v- McCann

U.S.D.C. DOCKET NO. : 07 cv 6851

U.S.C.A. DOCKET NO. : 08-1252

Dear Mr. Agnello:

Please find attached the original record on appeal consisting of the following:

VOLUME(S) OF PLEADING(S) *1 Volume of Pleadings*

VOLUME(S) OF TRANSCRIPT(S)

VOLUME(S) OF DEPOSITION(S)

EXHIBITS:

VAULT ITEMS:

OTHER (SPECIFY):

SPECIAL NOTE:

Please acknowledge date of receipt of the above mentioned materials on the attached copy of this letter.

Very truly yours,

Michael W. Dobbins, Clerk

By: \_\_\_\_\_  
D. Jordan, Deputy Clerk

**I, MICHAEL W. DOBBINS, CLERK** of the United States District Court for the Northern District of Illinois, do hereby certify to the United States Court of Appeals, for the Seventh Circuit, that the documents submitted herewith and annexed hereto are the original papers filed and entered of record in my office, on the dates in the List of Documents, and together with a true copy of docket entries as they appear in the official dockets in this office, consisting of:

***1 Volume of Pleadings***

In the cause entitled: Cook -v- McCann.

USDC NO. : 07 cv 6851

USCA NO. : 08 - 1252

IN TESTIMONY WHEREOF, I hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois, this 5th day of Feb. 2008.

MICHAEL W. DOBBINS, CLERK

By: \_\_\_\_\_  
D. Jordan, Deputy Clerk

APPEAL, HABEAS, TERMED, VALDEZ

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-06851**  
**Internal Use Only**

Cook v. McCainn et al  
Assigned to: Honorable Milton I. Shadur  
Cause: 28:2254 Petition for Writ of Habeas Corpus  
(State)

Date Filed: 12/10/2007  
Date Terminated: 01/04/2008  
Jury Demand: None  
Nature of Suit: 530 Prisoner: Habeas Corpus  
Jurisdiction: Federal Question

**Petitioner**

**Sam Cook**  
*United States of America ex rel.*

represented by **Sam Cook**  
B-39841  
Stateville - STV  
P.O. Box 112  
Joliet, IL 60434  
PRO SE

V.

**Respondent**

**Terry McCainn**

represented by **Sheri L. Wong**  
Office of the Attorney General  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-3692  
Fax: (312) 814-2253  
Email: swong@atg.state.il.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Respondent**

**Lisa Madigan**

**Service List**

represented by **Chief of Criminal Appeals**  
 Attorney General's Office  
 100 West Randolph - 12 Floor  
 Chicago, IL 60601  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/04/2007	<a href="#">1</a>	RECEIVED Petition and one copy by Sam Cook; Notice.(Exhibits) (kjc, ) (Entered: 12/06/2007)
12/04/2007	<a href="#">3</a>	APPLICATION by Petitioner Sam Cook for leave to proceed in forma pauperis.(Exhibits) (kjc, ) (Entered: 12/06/2007)
12/04/2007	<a href="#">4</a>	MOTION by Petitioner Sam Cook for appointment of counsel. (kjc, ) (Entered: 12/06/2007)
12/04/2007	<a href="#">5</a>	LETTER from Sam Cook dated 11/28/07. (kjc, ) (Entered: 12/06/2007)
12/04/2007	<a href="#">8</a>	POST MARKED envelope for initiating document by Sam Cook (Document not scanned) (aew, ) (Entered: 12/12/2007)
12/05/2007	<a href="#">2</a>	CIVIL Cover Sheet. (kjc, ) (Entered: 12/06/2007)
12/06/2007		MAILED Copy of Petition to Chief of Criminal Appeals via certified mail, article number 7006 0100 0001 7313 6669. (kjc, ) (Entered: 12/06/2007)
12/10/2007	<a href="#">9</a>	<del>(Court only) RECEIPT regarding payment of filing fee paid; on 12/10/2007 in the amount of \$5.00, receipt number 10342531 (mb,) (Entered: 12/13/2007)</del>
12/11/2007	<a href="#">7</a>	MEMORANDUM Order Signed by Judge Milton I. Shadur on 12/11/2007:Mailed notice(srn, ) (Entered: 12/12/2007)
12/12/2007	<a href="#">6</a>	MINUTE entry before Judge Milton I. Shadur :Enter Memorandum Order. Both Cook and the Attorney General's office are ordered to respond solely on the statute of limitations issue - - not on the merits of Cook's contentions by a filing to be received in this District Court on or before January 11, 2008. Motion for leave to proceed in forma pauperis <a href="#">3</a> denied. Cook should promptly remit a check or money order for \$5 payable to the Clerk of Court, United States District Court. Motion to appoint counsel <a href="#">4</a> is denied, subject to possible further review based either (1) on the basis for Cook's response of (2) for purposes of addressing the merits if the Petition survives as timely brought.Mailed notice (srn, ) (Entered: 12/12/2007)
12/12/2007	<a href="#">10</a>	PETITION for writ of habeas corpus filed by Sam Cook against Terry

		McCainn, Lisa Madigan Filing fee \$ 5.(mb, ) (Entered: 12/13/2007)
12/14/2007	<a href="#"><u>11</u></a>	<del>RETURN of U.S. Post Office receipt, Article number 7006 0100 0001 7313 6669. (gmr, ) (Entered: 12/18/2007)</del>
12/21/2007	<a href="#"><u>12</u></a>	ATTORNEY Appearance for Respondent Terry McCainn by Sheri L. Wong (Wong, Sheri) (Entered: 12/21/2007)
01/02/2008	<a href="#"><u>15</u></a>	REPLY to Memorandum Order of December 11, 2007 by Petitioner Sam Cook; Notice (mb, ) (Entered: 01/07/2008)
01/04/2008	<a href="#"><u>13</u></a>	MINUTE entry before Judge Milton I. Shadur :Civil case terminated. Enter Memorandum Order. Accordingly "it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court" (Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts), and this Court therefore dismisses the Petition. That calls for the denial on mootness grounds of Cook's earlier-filed motion seeking the appointment of counsel, and this Court so orders.Mailed notice (srn, ) (Entered: 01/04/2008)
01/04/2008	<a href="#"><u>14</u></a>	MEMORANDUM Order Signed by Judge Milton I. Shadur on 1/4/2008:Mailed notice(srn, ) (Entered: 01/04/2008)
01/28/2008	<a href="#"><u>16</u></a>	MOTION by Petitioner Sam Cook to vacate order of 01/04/08 (Exhibits). (ar, ) (Entered: 02/01/2008)
01/28/2008	<a href="#"><u>17</u></a>	REQUEST by Petitioner Sam Cook for certificate of appealability. (ar, ) (Entered: 02/01/2008)
01/28/2008	<a href="#"><u>18</u></a>	AFFIDAVIT of Plaintiff, Sam Cook, accompanying motion for permission to appeal in forma pauperis on USCA 7th Circuit form (Exhibit). (ar, ) (Entered: 02/01/2008)
01/28/2008	<a href="#"><u>19</u></a>	DOCKETING Statement by Plaintiff Sam Cook. (ar, ) (Entered: 02/01/2008)
01/28/2008	<a href="#"><u>20</u></a>	NOTICE by Plaintiff Sam Cook as to his motion to vacate order of 01/04/08 <a href="#"><u>16</u></a> , motion for permission to appeal in forma pauperis <a href="#"><u>18</u></a> , docketing statement <a href="#"><u>19</u></a> , and motion for certificate of appealability <a href="#"><u>17</u></a> . (ar, ) (Entered: 02/01/2008)
01/28/2008	<a href="#"><u>23</u></a>	NOTICE of appeal by Sam Cook regarding orders <a href="#"><u>13</u></a> , <a href="#"><u>14</u></a> (Fee Due) (dj, ) (Entered: 02/01/2008)
02/01/2008	<a href="#"><u>21</u></a>	MINUTE entry before Judge Milton I. Shadur : Enter Memorandum Order, this Court denies both Cook's motion to vacate its 01/04/08 memorandum order <a href="#"><u>16</u></a> and his request for a certificate of appealability <a href="#"><u>17</u></a> , but, as required by Section 1915, it orders Cook to pay the full \$455.00 in appellate filing fees in future installments. Cook is advised that he may present his request for a certificate of appealability to the Court of Appeals. (For further detail see separate order). Mailed notice

		(ar, ) (Entered: 02/01/2008)
02/01/2008	<a href="#"><u>22</u></a>	MEMORANDUM Order, signed by Judge Milton I. Shadur on 2/1/2008 <a href="#"><u>21</u></a> . Mailed notice (ar, ) (Entered: 02/01/2008)
02/01/2008	<a href="#"><u>24</u></a>	<del>TRANSMITTED to the 7th Circuit the short record on notice of appeal <a href="#"><u>23</u></a>. Notified counsel (dj, ) (Entered: 02/01/2008)</del>

**KEY**

All items are included in this record.

All cross out items are not included in the record.

S/C: These items are sent under a separate certificate.

N/A: These items are not available.